

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

BRUCE TIMOTHY JONES,

Plaintiff,

v.

Case No. CV409-079

SPENCER LAWTON, RUSSELL
MABREY, JAMES E. BASS, CITY OF
SAVANNAH, JOHN DOE, MIKE
DOE, MIKE TABBORROK,

Defendants.

REPORT AND RECOMMENDATION

In *Jones v. Lawton*, CV408-187, this Court advised the district judge to dismiss inmate/plaintiff Bruce Timothy Jones's 42 U.S.C. § 1983 case without prejudice because he lied to this Court in his filing papers by misrepresenting his past filing history. *Id.* doc. 5. The district judge agreed and dismissed *Jones* without prejudice. *Id.* doc. 8, 9. Jones has simply re-filed the case with minor changes, this time attaching a sheet including his federal filing history. (Doc. 1 at 18-20.)

It is clear, however, that Jones has once again neglected to mention his entire filing history. Moreover, further research has revealed that

Jones is a 28 U.S.C. § 1915(g) three-striker who is barred from filing suit in federal court absent prepayment of the \$350 filing fee or a showing of “imminent danger of serious physical injury.”¹

In *at least* three other cases Jones has incurred a strike as described in *Rivera v. McNeil*, 2009 WL 1154118 at * 2 (S.D.Fla. Apr. 24, 2009) (unpublished) (cataloguing § 1915(g) “strike” categories): *Jones v. Thomas*, No. CV692-097, doc. 7 (S.D. Ga. Aug. 13, 1992) (dismissed as lacking an arguable basis in law); *Jones v. Brady*, No. CV694-083, doc. 17 (S.D. Ga. Sep. 14, 1994) (case dismissed as frivolous and Rule 11 sanctions imposed upon Jones); *Jones v. Cullen*, No. CV 195-1221, doc. 5 (N.D.Ga. Dec. 5, 1995) (§ 1983 case dismissed “for want of prosecution”); *Jones v. Thompson*, No. CV695-063, doc. 9 (S.D. Ga. May 19, 1995) (§ 1983 complaint dismissed as frivolous); *Jones v. Satterfield*, No. CV195-

¹ As to § 1915(g)'s operation, the Eleventh Circuit has explained that

[a]fter the third meritless suit [hence, three strikes] . . . a prisoner [litigant] must pay the full filing fee at the time he initiates suit [and thus may not proceed IFP]. The purpose of the [Prison Litigation Reform Act (PLRA)] is to curtail abusive prisoner litigation. The only exception to section 1915(g) is if the frequent filer prisoner is under imminent danger of serious physical injury.

Skillern v. Paul, 2006 WL 2826609 at * 1 (11th Cir. Oct. 4, 2006) (unpublished) (quotes and cite omitted).

1222, doc. 36 (N.D.Ga. Feb. 14, 1997) (§ 1983 appeal dismissed for want of prosecution); *Jones v. Strickland*, No. CV696-061, doc. 17 (S.D. Ga. Apr. 16, 1996) (§ 1983 complaint dismissed for failure to state a claim); *Jones v. Lawton*, No. CV408-187, doc. 5 (S.D.Ga. May 6, 2009) (dismissed for lying to this Court). Jones has not shown that he is in imminent danger of serious physical injury,² so he is not entitled to proceed without prepayment of the \$350 filing fee required of all non-IFP litigants, including prisoners. Jones has indicated that he lacks such funds. (Doc. 2.) This case, therefore, should be **DISMISSED** for failure to pay the required filing fee.

SO REPORTED AND RECOMMENDED this 10th day of June, 2009.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA

². Jones seeks damages and interest stemming from the state's improper confiscation of over \$6,000 in property from him at the time of his arrest. (Doc. 1 at 5.) The state paid him on his claim in 2007. (*Id.* at 5.)